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# Public Notice

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**Applicant:**

Cimato  
Construction, Inc.

**Date:**

Brothers Published: May 3, 2002  
Expires: May 17, 2002

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

Buffalo District **CELRB-CO-R RE:** 2002-00583(0) **Section:** NY 404

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Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).

Cimato Brothers Construction, Inc., 9220 Transit Road, East Amherst, New York 14051, has applied for Department of the Army authorization to fill 0.29 acre of Federal jurisdictional wetland in the vicinity of Got and Ransom Creeks. The applicant is proposing the construction of a 39 lot patio home development referred to as the French Oaks Subdivision on the 17.9 acre parcel. The project site is located at 4000 North French Road, Town of Amherst, Erie County, New York. The project area is mapped in an 100 year floodplain and occurs below the headwater portions of both Got and Ransom Creeks.

To compensate for the permanent losses of Waters of the United States, the applicant is proposing to create 0.50 acre of wetland in the northwest portion of the site. The created wetland would serve to expand the area of existing wetland and would provide additional flood storage within the Floodway of Ransom Creek without causing stream bank disturbance to the creek.

In addition to the wetland fill, the applicant is also proposing the installation of a small outfall structure into Got Creek. The outfall structure is associated with the proposed storm water detention area proposed for the site.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Harold T. Keppner, who can be contacted by calling (716) 879-4120, or by e-mail at: harold.t.keppner@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Harold T. Keppner, or by e-mail at: [harold.t.keppner@usace.army.mil](mailto:harold.t.keppner@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

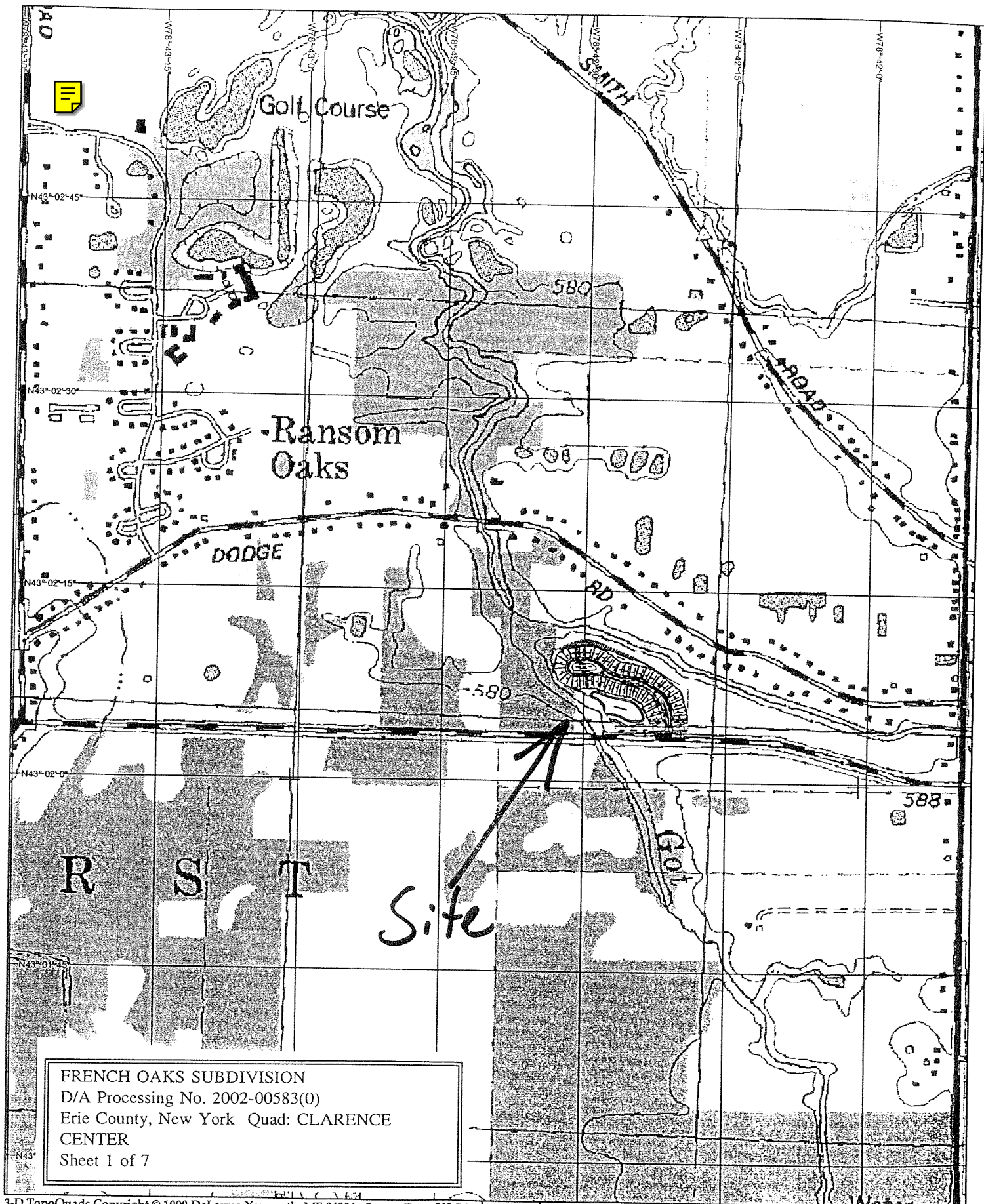
Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

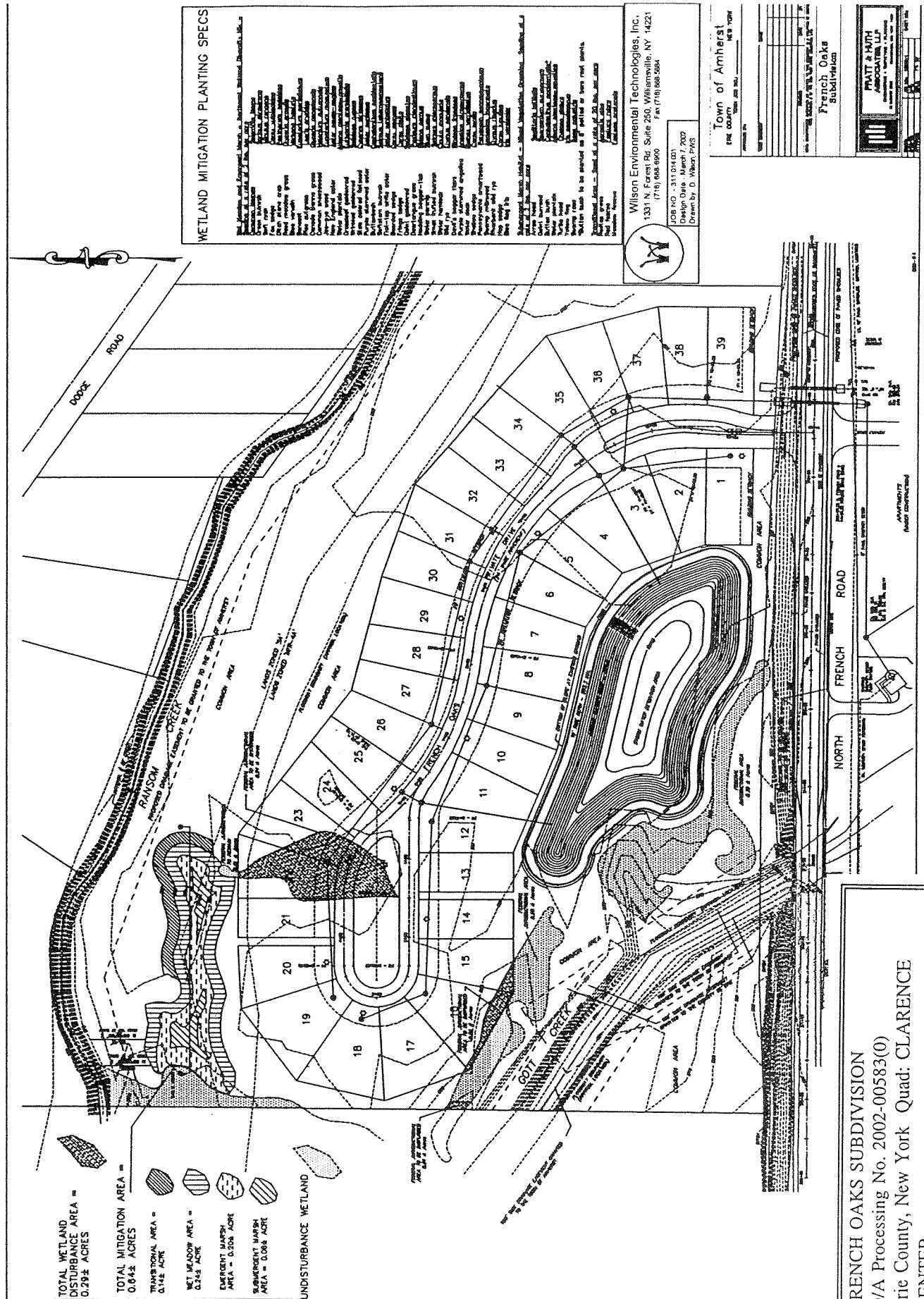
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.



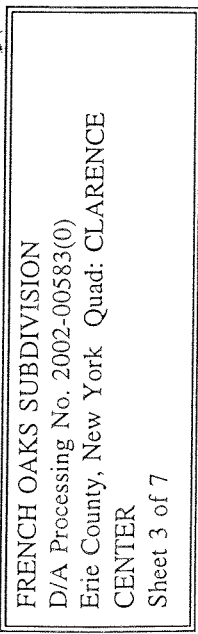


FRENCH OAKS SUBDIVISION  
 D/A Processing No. 2002-00583(0)  
 Erie County, New York Quad: CLARENCE  
 CENTER  
 Sheet 2 of 7

**Wilson Environmental Technologies, Inc.**  
 1331 N. Forest Rd. Suite 250, Williamsport, NY 14221  
 (716) 668-6900 Fax: (716) 668-5584  
 E-mail: info@wiltonet.com  
 Web: www.wiltonet.com  
 Drawn by: D. Wilson, P.E.

**Town of Amherst**  
 Erie County, New York  
 French Oaks Subdivision  
 PRATT & HUTCH  
 ARCHITECTS LLP  
 1000 N. Main St., Suite 200  
 Amherst, NY 14204  
 (716) 462-1100  
 Fax: (716) 462-1101  
 E-mail: info@prattandhutch.com  
 Web: www.prattandhutch.com



[illegible]

± ACRES

TIONAL AREA =  
ACRE

MEADOW AREA =  
ACRE

SENT MARSH  
= 0.20± ACRE

RGENT MARSH  
= 0.06± ACRE

TURBANCE WETLAND

\* FEDERAL JURISDICTIONAL  
AREA TO BE DISTURBED  
0.01 ± Acres

\* FEDERAL JURISDICTIONAL  
AREA TO BE DISTURBED  
0.04 ± Acres

\* Federal Wetland  
to be  
disturbed  
(.24acre)

FEDERAL JURISDICTIONAL  
AREA TO REMAIN  
0.01 ± Acres

FEDERAL JURISDICTIONAL AREA  
0.20 ± Acres

100' WIDE DRAINAGE EASEMENT GRANTED  
TO THE TOWN OF AMHERST

GOTT CREEK  
FLOODWAY BOUNDARY  
(APPROX. LOCATION)

COMMON AREA

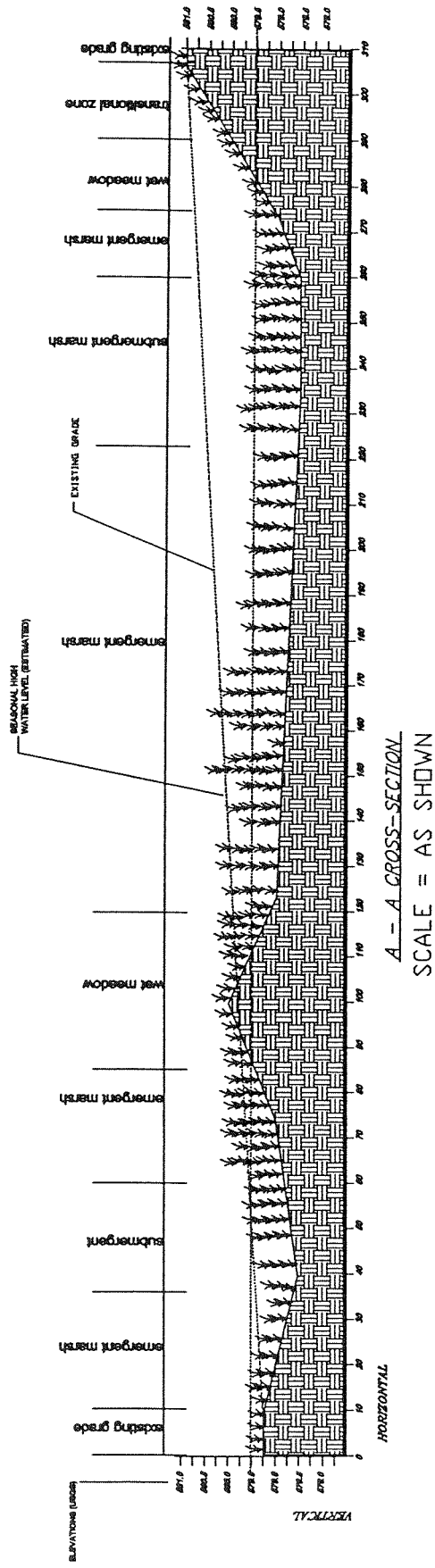
COMMON AREA

100' WIDE DRAINAGE EASEMENT  
GRANTED TO THE TOWN OF AMHERST

100' WIDE DRAINAGE EASEMENT  
GRANTED TO THE COUNTY OF ERIE

FRENCH OAKS SUBDIVISION  
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# A - A CROSS-SECTION

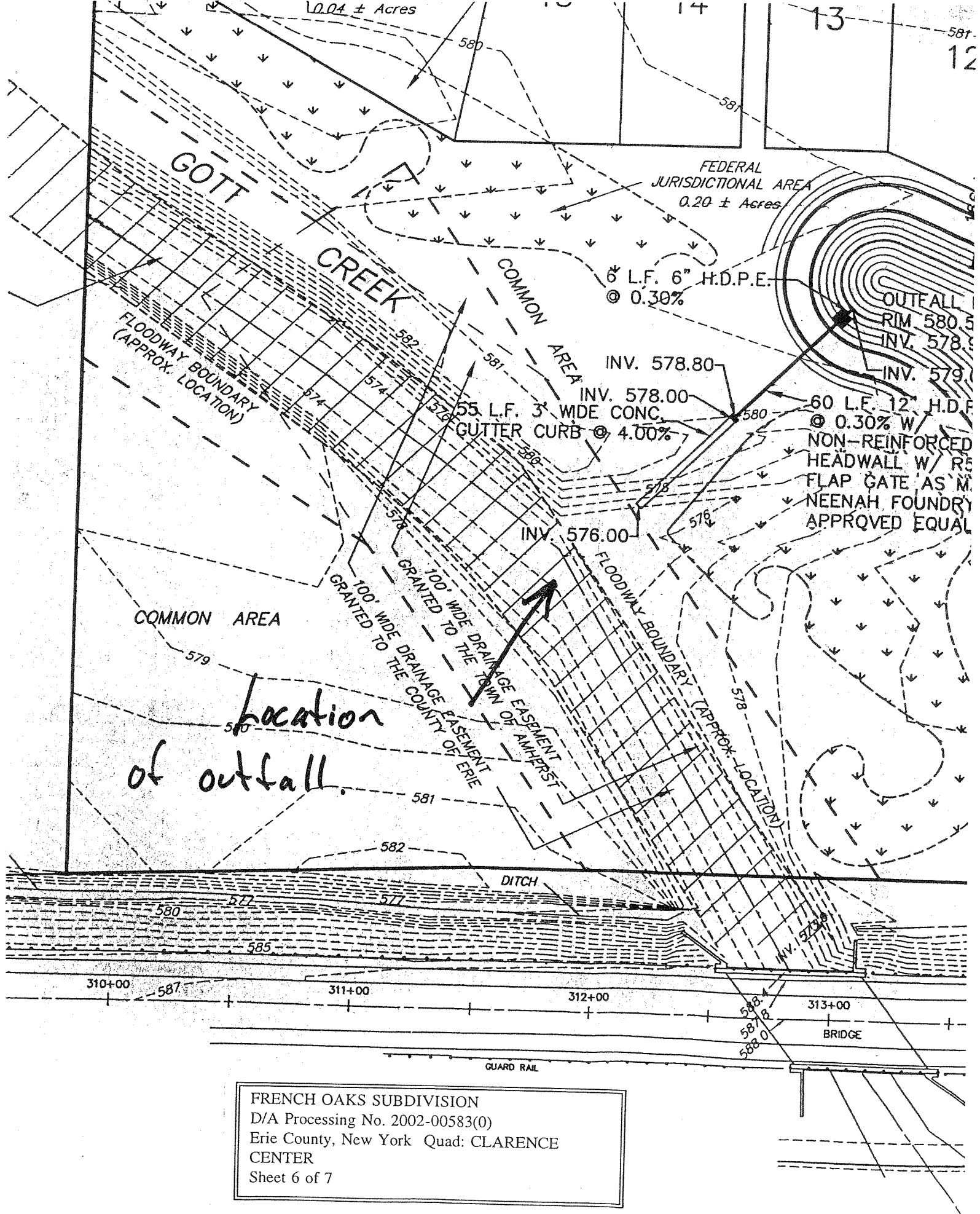


**LEGEND**

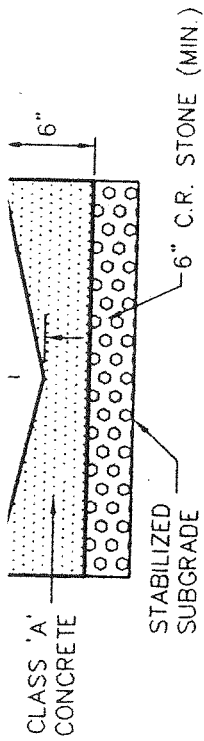
TOTAL MITIGATION = 0.78± ACRES  
 TRANSITIONAL ELEVATION. - 581.0' - 580.0'  
 AREA = 0.14± ACRES  
 WET MEADOW ELEV. - 580.0' - 579.0'  
 AREA = 0.24± ACRES  
 EMERGENT MARSH ELEV. - 579.0' - 578.5'  
 AREA = 0.20± ACRES  
 SUBMERGENT EMERGENT ELEV. - 578.5' - 578.0'  
 AREA = 0.06± ACRES

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 Erie County, New York Quad: CLARENCE  
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- CONSTRUCTION NOTES:**
1. ALL EXCAVATED AREAS TO BE OVEREXCAVATED BY 6"-8" TO BE REPLACED WITH TOPSOIL.
  2. FINAL GRADES SHALL BE IRREGULAR AS DIRECTED BY WETLANDS CONSULTANT.
  3. WET MEADOW/EMERGENT MARSH TO BE SEEDS WITH WETLAND PLANT SPECIES AT A RATE OF 1 LB/100 SQ YD.
  4. ALL APPROPRIATE EROSION CONTROL METHODS TO BE APPLIED DURING CONSTRUCTION.

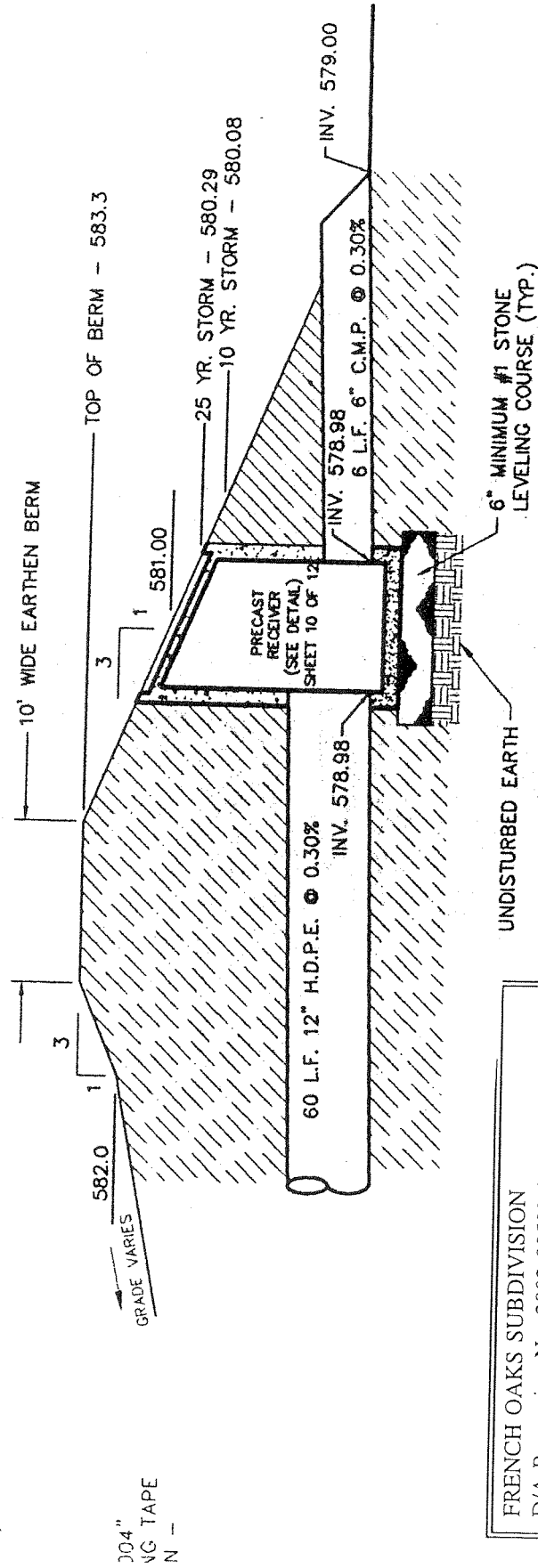






## TYPICAL CONCRETE GUTTER

N.T.S.



FRENCH OAKS SUBDIVISION  
D/A Processing No. 2002-00583(0)  
Eric County, New York Quad: CLARENCE  
CENTER  
Sheet 7 of 7

N.T.S.

OVERFLOW STRUCTURE DETAIL

PRINT IS  
DEC 05

TO  
ERIE COUNTY

APPROVED BY:

TOWN ENGINEER

APPROVED BY:

HIGHWAY SUPERINT

NOTE: UNAUTHORIZED  
7209

## DETAILS: